

The right to codetermine in actions specified in Section 75, paragraph 1, numbers 3 through 7, Section 75, paragraph 2, number 1 and 2, Section 75, paragraph 3, numbers 1 through 17 (except 13), and Section 76, paragraph 2, numbers 6, 8 and 9 is governed by the provisions of Sections 69 and 70, GPRL.

- Transfer to another agency or reassignment within the agency, if it is connected with a change of the permanent duty station (Section 75, Paragraph 1. Number 3).
- Detail for a period of more than 3 months (Section 75, Paragraph 1, Number 4).
- Continued employment beyond the retirement age (Section 75, Paragraph 1, Number 5).
- Instructions restricting the employee's free choice of domicile (Section 75, Para. 1, Number 6).
- Denial or withdrawal of approval for a second employment (Section 75, Paragraph 1, Number 7).
- Granting of welfare support, advance payments, loans, and corresponding social allowances (Section 75, Paragraph 2, Number 1).
- Assignment and cancellation of quarters that are at the disposal of the agency as well as the establishment of the conditions for their use (Section 75, Paragraph 2, Number 2).
- Assignment of duty and leasehold property and the establishment of the conditions for its use (Section 75, Paragraph 2, Number 3).
- Establishment of the beginning and end of daily work hours and breaks; distribution of work hours over individual weekdays (Section 75, Paragraph 3, Number 1).
- Time, place, and method of payment of salaries and wages (Section 75, Paragraph 3, Number 2).
- Setting up the leave plan, scheduling the time periods for annual leave of individual employees if no agreement has been reached between the agency chief and the employees concerned (Section 75, Paragraph 3, Number 3).
- Questions regarding the wage structure within the agency, particularly the establishment of principles governing pay, the introduction and application of new pay methods and the changes thereof, as well as the determination of piece work and premium rates and corresponding remuneration based on performance, including money factors (Section 75, Para. 3, Number 4).
- Establishment, management and dissolution of social facilities regardless of their legal nature (Section 75, Paragraph 3, Number 5).
- Implementation of vocational training for salaried employees and wage earners (Section 75, Paragraph 3, Number 6).
- Selection of employees for participation in advanced training activities (Section 75, Paragraph 3, Number 7).
- Contents of personnel questionnaires for employees (Section 75, Paragraph 3, Number 8).
- Procedures for employee performance appraisals (Section 75, Paragraph 3, Number 9).

- Appointment of confidential doctors or work physicians as employees (Section 75, Paragraph 3, Number 10).
 - Measures to prevent on-the-job accidents and other damages to health (Section 75, Paragraph 3, Number 11).
 - Principles for the evaluation of accepted suggestions within the scope of the agency's suggestion program (Section 75, Paragraph 3, Number 12).
 - Determination not to advertise vacancies that shall be filled (Section 75, Para. 3, Number 14).
 - Regulations concerning good order within the agency, and conduct of employees (Section 75, Paragraph 3, Number 15).
 - Layout of the workplaces (Section 75, Paragraph 3, Number 16).
 - Introduction and application of technical means designed to control the conduct or the performance of employees (Section 76, Paragraph 2, Number 6).
 - Issue of guidelines for the selection of personnel in case of appointments, transfers, re-gradings, and notices of termination of employment (Section 76, Paragraph 2, Number 8).
 - Claims for compensation of damages against an employee (Section 76, Paragraph 2, Number 9).
- ✚ Actions covered by the above legal provisions, which may be proposed by both the agency chief and the works council, may only be implemented with the approval of the works council.
 - ✚ If no agreement on a proposed action can be reached between the agency chief and the council, the codetermination procedure established in Section 69, paragraphs 2 through 5, GPRL, will apply.
 - ✚ The objective of the codetermination procedure is similar to that of the cooperation procedure and is intended to provide for true partnership between the chief of the agency and the works council in matters of concern to the local national employees of the agency. However, there are major differences inasmuch as procedures, time limits and final decision making authority are concerned. In the following, these different proceedings are being discussed.

Actions Proposed by the Chief of the Agency

Actions Covered by Section 75, Paragraph 1, Numbers 3 through 7, GPRL (Personnel Matters)

(a) The agency chief will inform the works council in writing of the planned action in enough time and detail with full justification and documentation, and request the works council's approval within the time limit of 10 work days established by Section 69, paragraph 2, GPRL. In truly urgent cases, this time limit may be reduced to 3 work days. These time limits are mandatory; they may neither be extended nor reduced unilaterally by the agency chief or in agreement with the works council. (NOTE: It is the question of an urgent case only if there are extraordinary circumstances which do not permit a delay of the proposed action because otherwise it would result in the loss of legal entitlements for an employee, or be to the detriment of the agency which cannot be legally justified.) Whether or not the urgency was caused by the agency is immaterial. The council may object to the reduction of the time limit. If the agency implements the action although the council had legitimately objected to the reduction of the time limit, the action may be null and void. Within the above time limits, on request of the council, the agency chief will discuss the planned action in a joint meeting with the council. However, the

council may not demand a written rationale from the agency chief for proposed actions covered by these legal provisions.

(b) The planned action is considered approved if the council does not refuse its concurrence in writing by stating the reasons for the nonconcurrence within the time limits referred to above. If in connection with its nonconcurrence, the works council makes complaints and allegations of a factual nature that are disadvantageous or could become detrimental to an employee, the employee must be provided the opportunity to comment, and the comments will be made a matter of record.

(c) If no agreement on the planned action is reached, the agency chief may submit the matter within six work days from receipt of the councils nonconcurrence through command channels to the next higher authority where a works council above the local level exists. Depending on the organizational structure, this may be an intermediate level authority where a district works council exists or the Commanding General, USAREUR, at whose level the Head Works Council has been established. If the agency chief submits the matter to the next higher authority, he or she must inform the council accordingly in writing by stating the reasons and suspend the planned action. Paragraphs a and b, above, apply analogously to the proceedings at the level of the intermediate authorities with their respective district works council, and to the proceedings of the highest service authority with the head works council.

(d) If no agreement on the matter can be reached between the Commanding General, USAREUR, and the Head Works Council, the conciliatory committee will decide within 2 months of the declaration by the Commanding General, USAREUR, or the Head Works Council that a decision of the conciliatory committee is requested. With respect to matters covered in this paragraph, the conciliatory committee determines whether or not there is a reason for nonconcurrence within the meaning of Section 77, paragraph 2 ("Catalogue of Reasons for Nonconcurrence").

Actions Proposed by the Chief of the Agency which are Covered by Section 75, Paragraph 2 and Section 75, Paragraph 3, Numbers 1 through 17 (except 13), GPRL.

Procedures are identical to those prescribed in paragraph 1(a) through (d), above, except that in connection with matters covered by the legal provisions of this paragraph, the councils at each level may demand a written rationale from the respective agency chiefs for the proposed action. The decision of the conciliatory committee in these matters is final and binding. The decision may meet the request of the Commanding General, USAREUR, or of the Head Works Council only in part.

Actions Proposed by the Chief of the Agency which are Covered by Section 76, Paragraph 2, Numbers 6, 8 and 9, GPRL.

Procedures are identical to those prescribed in paragraphs 1a through d, above, except that in connection with matters covered by the legal provisions of this paragraph, the councils at each level may demand a written rationale from the respective agency chiefs for the proposed action. In these matters, the conciliatory committee decides in the form of a recommendation if it disagrees with the opinion of the Commanding General, USAREUR. Based on this recommendation, the Commanding General, USAREUR, renders a final decision.

Actions Proposed by the Works Council

Actions Covered by Section 75, Paragraph 3, Numbers 1 through 6 and 11 through 17 (except 13), GPRL.

The works council must decide by majority vote of all its members whether or not to submit a proposed action to the agency chief. If the proposed action only pertains to one of the two employee groups, only the works council members representing the respective group will make the decision. The proposal must concern an action for which the agency has full responsibility. The works council must inform the agency chief in writing of the proposed action. Although not expressly stated in the law, the works council's proposal should be supported by a justification for the action. The agency chief is not obligated to respond to the works council within a specific time period. The time limits of 10 workdays, and 3 work days in urgent cases, established by Section 69, paragraph 2, GPRL, are not applicable. However, with view to the partnership between the works council and the agency chief envisioned and promulgated by the law, and depending on the scope and complexity of the proposal, the agency chief can reasonably be expected to respond within the 10-work day period or shortly thereafter. Notwithstanding that, the agency chief's silence to a works council proposal may by no means be misconstrued to constitute an approval of the proposed action. If an unreasonably long period of time has passed and the agency chief has not responded to the proposal, the works council is entitled to initiate the proceedings in accordance with Section 69, paragraphs 3 and 4, GPRL, i.e., to submit the matter to the next higher authority where an intermediate level works council exists. In this case, the time limit of 6 work days vested in Section 69, paragraph 3 for submitting the matter to the next higher authority is not applicable. If the agency chief rejects the proposal (rejection must be in writing), both the agency chief and the works council may initiate the codetermination procedure in accordance with Section 69, paragraph 3, GPRL, i.e., refer the matter to the next higher authority where a works council exists. In this case, the referral must occur within 6 workdays after receipt of the written rejection by the works council. In any case, the matter must be submitted through command channels, i.e., the submission of a matter to the next higher authority by the works council must be routed through the chief of the agency who is compelled to submit it to the chief of the next higher authority. If the chief of the

agency submits a matter to the next higher authority, he must inform his works council accordingly.

Upon receipt of the matter by the next higher authority where a works council exists, the head of this authority must involve the works council existing at his level, i.e., either a district works council or, in the case of the highest service authority, the Head Works Council. Codetermination proceedings at the level of the next higher authority are considered to have been initiated only when the works council at the next higher level has received the matter from the head of the respective authority at the higher level. With the initiation of the codetermination procedure at the next higher level, the full and unrestricted codetermination right concerning the matter has been shifted without interruption from the works council that initiated the action to the appropriate higher level works council. Paragraph a, above, applies analogously to the proceedings at the level of the intermediate authorities with their respective district works councils, and to the proceedings of the highest service authority with its head works council, except that the respective works councils at the level of the higher authorities must communicate their decision concerning the matter to the respective heads of the higher level authorities within 10 work days from receipt of the matter.

If no agreement on the matter can be reached between the Commanding General, USAREUR, and the Head Works Council, USAREUR and Seventh Army, the conciliatory committee will decide within 2 months of the declaration by the Commanding General, USAREUR, or the Head Works Council that a decision of the conciliatory committee is requested. The decision of the conciliatory committee in these matters is final and binding. The decision may meet the request of the Commanding General, USAREUR, or the Head Works Council only in part.

[Actions Proposed by the Works Council in Other Matters which are Subject to the Works Council's Codetermination.](#)

The procedures are identical to those prescribed in paragraphs 1a and b, above, except that in these matters, the Commanding General, USAREUR, renders a final and binding decision.